

Date/Time Filed with Registrar of Regulations	VA.R. Document Number: R_____ - _____
	Date of Publication in Virginia Register:

**Commonwealth of Virginia**

**RESPONSE TO PETITION FOR RULEMAKING**

Check one: ☒ **Initial Agency Notice**    ☐ **Agency Decision**

**Regulatory Coordinator:** Lawrence H. Redford

**Telephone:** (804) 371-8067

**E-mail:** Larry.Redford@vdacs.virginia.gov

**Agency Name:** Department of Agriculture and Consumer Services

**Chapters affected:**

<b>VAC No.</b> <i>(e.g., 4 VAC 20-490):</i>	<b>Chapter Name</b> <i>(e.g., Regulations Pertaining to Sharks):</i>
2 VAC 5-140	Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia

**Statutory Authority:** The petitioner cites Sections 2.2-4007(A) and 3.1-726(A) of the Code of Virginia

**Name of petitioner:** Christine Solem, Director, Virginia State Dairy Goat Association, Inc.

**Nature of petitioner's request:** The petitioner writes:

"Pursuant to Section 2.2-4007(A) of the Code of Virginia, the undersigned, at the request of the Virginia State Dairy Goat Association, Inc., hereby petitions this agency to amend 2 VAC 5-140-100(B) and (C) under Chapter 140, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia, for the following reasons:

Under Section 3.1-726(A), Code of Virginia, the Board has the authority to adopt regulations as may be necessary to eradicate and prevent the spread of contagious and infectious diseases such as tuberculosis and Bangs abortion disease (brucellosis). Cattle for dairy or breeding purposes, under 2 VAC 5-140-50(A)(1) and (B)(3)(a), may enter the Commonwealth without tuberculosis and brucellosis testing if they originate from a certified tuberculosis-free area and a brucellosis-free state. However, 2 VAC 5-140-100(B) and (C) states that goats for dairy or breeding purposes may enter the Commonwealth only if they are individually tested for tuberculosis and brucellosis within 30 days of entry or originate from a herd in which all animals tested negative for tuberculosis and brucellosis within 12 months prior to entry.

Yet goats are not nearly as susceptible to tuberculosis and brucellosis as are cattle. In fact, many states no longer require the testing of goats for these two diseases before entry. Certainly the testing of goats entering Virginia from areas and states free of tuberculosis and brucellosis is not necessary as it has been determined already that it is not necessary even for cattle. Such nonessential testing creates an unreasonable economic burden which adversely impacts the dairy goat industry here in Virginia, especially with respect to exhibition animals which enter the state for a day or two and then return home.

Petitioner therefore asks the agency to amend 2 VAC 5-140-100(B) and (C) so that the regulations pertaining to goats conform to the same requirements as cattle entering the state from an area or state free of tuberculosis and brucellosis."

---

## INITIAL AGENCY NOTICE

**Agency's plan for disposition of the request:** The agency plans to place this petition before the Board of Agriculture and Consumer Services for its consideration.

**Comments may be submitted until** May 19, 2005

---

## AGENCY DECISION

☐ **Request Granted**

☐ **Request Denied**

---

**Statement of reasons for decision:**

---

**Agency Contact for Further Information:**

**Name:** David E. Cardin, DVM

**Title:** Deputy State Veterinarian

**Address:** State Veterinarian's Office; 1100 Bank Street; Suite 101; Richmond, VA 23219

**Telephone:** (804) 692-0601

**Fax:** (804) 225-2666

**Toll Free:** 1- -

**E-mail:** david.cardin@vdacs.virginia.gov

---

**Date Submitted:** Filed with the Registrar March 24, 2005

---